

**REMARKS**

Claims 21-39 are pending in the present application. Claims 21-22, 26-27, 30, 33, and 35-36 are amended by this amendment. No claims are canceled or added by this amendment.

**Allowable Subject Matter**

Initially, Applicant notes with appreciation the Examiner's indication that claims 26-34 and 39 would be allowable if rewritten to include all of the limitations of the base claim and any intervening claims.

**Claim Informalities**

Claim 22 stands objected to under 37 CFR 1.75(a) because the Examiner asserts the meaning of the phrase "the objective speech quality assessment values" needs clarification. Applicant respectfully submits claim 22 is amended for clarification.

Claim 27 stands objected to under 37 CFR 1.75(a) because the Examiner asserts the symbols " $m$ ", " $m_I$ ", " $l_I$ ", and " $e(l_I)$ " found in the equation should be defined in the claims at least the first time used, if a concise and accurate definition is available. Applicant respectfully submits claim 27 is amended to define the above noted terms.

Claim 30 stands objected to under 37 CFR 1.75(a) because the Examiner asserts the symbols " $l_M$ ", " $\Delta e(l_M)$ ", " $m$ ", and " $m_M$ ", found in the equation should be defined in the claims at least the first time used, if a concise and accurate definition is available. Applicant respectfully submits claim 30 is amended to define the above noted terms.

Claim 33 stands objected to under 37 CFR 1.75(a) because the Examiner asserts the symbols " $m$ ", " $m_S$ ", " $l_S$ ", and " $\Delta e(l_S)$ " found in the equation should be defined in the claims at

least the first time used, if a concise and accurate definition is available. Applicant respectfully submits claim 33 is amended to define the above noted terms.

Claim 36 stands objected to for the same reasons as claim 22. Applicant respectfully submits claim 36 is amended for clarification.

Claims 26-34 and 39 stand objected to as being (directly or indirectly) dependent upon a rejected base claim. Applicant respectfully submits the claims from which claims 26-34 and 39 depend are amended as noted above to address the Examiner's objections.

In view of the above, Applicant respectfully requests the objections to the claims be withdrawn.

#### **Claim Rejections under 35 U.S.C. § 102**

Claims 21-23 and 35-37 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Hollier (U.S. Pat. No. 5,794,188, herein Hollier '188). Applicant respectfully traverses this rejection.

Amended claim 21 recites *inter alia* "modifying a single-ended objective speech quality assessment value associated with the speech activity to reflect the impact of the distortion on subjective speech quality assessment." Applicant respectfully submits support for the above noted amendment to claim 21 is found at least at pages 1-2, lines 30-2 of the specification.

Hollier '188 discloses "[h]aving calculated the effect on the ear (excitation) of the original test signal and of the output from the telecommunication apparatus (the distorted test signal), the difference in the extent to which the two excite the ear corresponds to the level of distortion of the test signal as perceived by the human auditory system."<sup>1</sup> Applicant respectfully submits Hollier '188 clearly needs both the original test signal and the distorted test signal to

compute the distortion. Therefore, Hollier '188 does not disclose "modifying a single-ended objective speech quality assessment value associated with the speech activity to reflect the impact of the distortion on subjective speech quality assessment" as required by claim 21. Applicant respectfully submits claim 35 is amended in a similar manner as claim 21 and is therefore patentable for at least similar reasons as claim 21. Further, Applicant respectfully submits claims 22-23 and 36-37, which depend from one of claims 21 and 35, are patentable for at least the same reasons discussed above in regards to claims 21 and 35 as well as on their own merits.

In view of the above, Applicant respectfully requests the rejections under 35 U.S.C. § 102(b) be withdrawn.

### **Claim Rejections under 35 U.S.C. § 103**

Claims 24, 25, and 38 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Hollier '188 in view of Hollier et al. (U.S. Pat. No. 6,119,083, herein Hollier '083). Applicant respectfully traverses this rejection.

Applicant respectfully submits that even assuming for the sake of argument Hollier '188 and Hollier '083 may be combined (which Applicant does not admit), Hollier '083 fails to cure the deficiencies of Hollier '188 discussed above in regards to independent claims 21 and 35. Accordingly, Applicant respectfully submits claims 24, 25, and 38, which depend from one of claims 21 and 35, are patentable for at least the reasons discussed above in regards to claims 21 and 35 as well as on their own merits.

In view of the above, Applicant respectfully requests the rejections under 35 U.S.C. § 103(a) be withdrawn.

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<sup>1</sup> Hollier '188 at Col. 9, Ll. 33-38, and at FIGS. 1-2.

**CONCLUSION**

Accordingly, in view of the above amendments and remarks, reconsideration of the objections and rejections and allowance of each of claims 21-39 in connection with the present application is earnestly solicited.

Pursuant to 37 C.F.R. §§ 1.17 and 1.136(a), Applicant(s) hereby petition(s) for a two (2) month extension of time for filing a reply to the outstanding Office Action and submit the required \$450.00 extension fee herewith.

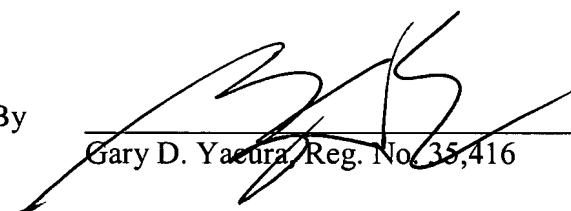
Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Gary D. Yacura at the telephone number of the undersigned below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

HARNESS, DICKEY, & PIERCE, P.L.C.

By

  
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